

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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TUFCO L.P.,

Plaintiff,

v.

Case No. 21-CV-1199

RECKITT BENCKISER (ENA) B.V.,

Defendant.

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**STIPULATION AND JOINT MOTION TO EXTEND SCHEDULING ORDER**

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Plaintiff Tufco L.P. (“Tufco”) and Defendant Reckitt Benckiser (ENA) B.V., (“Reckitt”) by and through their respective undersigned counsel of record, hereby stipulate and bring this joint motion for an order to amend the scheduling order, set forth in the Court’s December 17, 2024 order (dkt. 86), and state as follows:

1. Pleadings were completed in this case by August 16, 2023;
2. This Court previously amended the scheduling order in this case on September 26, 2023 (dkt. 59), February 14, 2024 (dkt. 62), May 15, 2024 (dkt. 65); September 30, 2024 (dkt. 72); and December 17, 2024 (dkt. 86).
3. On September 13, 2024, Reckitt filed a motion to compel production of certain documents and testimony (dkt. 68). That motion was granted by the Court on December 17, 2024 (dkt. 86) and resulted in the production on February 15, 2025 of a *first* tranche of documents of over 28,000 pages (those determined responsive without the use of search terms). As directed by the Court’s Order granting Reckitt’s motion to compel, the parties also worked cooperatively to narrow the issues and agree on various search terms that would serve as the basis for the remaining

compelled documents. Search terms were agreed upon on February 28, 2025, and Tufco commenced its review of responsive documents. The resulting document production, which Tufco anticipates making this week will be approximately 12,000 pages. Reckitt believes that these documents are critical to the remaining depositions of Tufco's witnesses.

4. On January 24, 2025, Tufco filed a motion to compel production of certain documents (dkt. 95). That motion was fully briefed on February 28, 2025 (dkt. 105-106), and the Court has scheduled a hearing on April 9, 2025.
5. On February 14, 2025, Tufco served a Second Set of Interrogatories and Second Set of Requests for the Production of Documents. Reckitt is in the process of responding to same.
6. Coupled with prior productions, the parties have produced (or will produce) in excess of 132,000 pages.
7. There remain issues with redactions and challenged assertions of privilege in connection with the productions about which the parties are meeting and conferring in an effort to avoid the need to present these issues to the Court.
8. The parties have taken six depositions. Depositions of several additional Reckitt witnesses are currently being scheduled for May. Depositions of five Tufco witnesses are tentatively scheduled for the weeks of May 19 and 24.
9. Tufco recently served two document subpoenas for the production of documents, one to a party now represented by Reckitt's counsel-of-record, and the second to Walmart. In meet-and-conferring with Walmart, it is anticipated that production will take approximately 8 weeks from the date of this filing until documents are produced.

10. Tufco also seeks depositions of Reckitt-affiliates including individuals who were initially disclosed as being under Reckitt's control, but over the course of discovery are no longer under Reckitt's control. These efforts have resulted in the need to pursue service efforts through the Hague Convention of one witness who is believed to have relocated to Mexico (John Rodrigues), and to engage investigative assistance for a witness who Tufco believes is evading service in New Jersey (Keyur Gandhi).
11. Because discovery remains to be completed, the parties agree and desire a last, two-month, extension of the close of fact discovery and related extension of subsequent deadlines.
12. The parties intend this request to be the last of its kind. In furtherance of the same, the Parties agree that, absent extenuating circumstances, there will be no additional document requests, interrogatories, subpoenas, or depositions except those that are addressed in this Stipulation, presently at issue, or arise directly out of discovery due or future discovery addressed in this Stipulation.
13. Under the current scheduling order:
  - a. The fact discovery deadline is **April 28, 2025**;
  - b. Expert Witness disclosures are due **June 11, 2025**;
  - c. Rebuttal Expert Witness disclosures are due **July 28, 2025**;
  - d. Expert Discovery closes **September 11, 2025**; and
  - e. Dispositive Motions must be filed by **October 14, 2025**; and
  - f. There is no final pre-trial hearing or jury trial date.
14. The parties propose the following new deadlines:
  - a. Completion of Fact Discovery: **June 30, 2025**
  - b. Expert Witness disclosures: **August 11, 2025**

- c. Rebuttal Expert Witness disclosures: **September 12, 2025**
- d. Close of Expert Discovery: **October 7, 2025**
- e. Dispositive Motion deadline: **November 7, 2025.**

**THEREFORE, THE PARTIES HEREBY STIPULATE, AGREE** and respectfully request that the Scheduling Order be amended such that each of the deadlines set forth above and in Dkt. 86 are extended as set forth above.

Dated this 7<sup>th</sup> day of April 2025.

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